

## **RESEARCH APPENDIX**

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix F** ... has been added to the **2017 LRB-6073**

**Appendix A** ☞ LRB 17-6001

**Appendix B** ☞ LRB 17-6004

**Appendix C** ☞ LRB 17-6039

**Appendix D** ☞ LRB 17-6040

**Appendix E** ☞ LRB 17-6041

**Appendix F** ☞ LRB 17-6042

**Appendix G** ☞ LRB 17-6043

**Appendix H** ☞ LRB 17-6058

**2017 DRAFTING REQUEST****Bill**

For: **Robin Vos (608) 266-9171** Drafter: **tdodge**  
 By: **Steve** Secondary Drafters:  
 Date: **11/20/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Vos@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**steve.fawcett@legis.wisconsin.gov**  
**Alicia.Schweitzer@legis.wisconsin.gov**  
**Abbey.Fabick@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Legislative approval and oversight of waivers and pilot programs

---

**Instructions:**

See attached

---

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>       | <u>Reviewed</u>        | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|------------------------|-----------------------|-----------------|-----------------|
| /?           | tdodge<br>11/21/2018 |                        |                       |                 |                 |
| /P1          | tdodge<br>11/28/2018 | kfollett<br>11/29/2018 | jmurphy<br>11/21/2018 |                 |                 |
| /P2          |                      | kfollett<br>11/30/2018 | mbarman<br>11/29/2018 |                 |                 |
| /P3          | tdodge               | kfollett               | dwalker               |                 |                 |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|------------------|-----------------|-----------------|
|              | 11/30/2018     | 11/30/2018      | 11/30/2018       |                 |                 |

/P4

lparisi  
11/30/2018

FE Sent For:

<END>



11/20

Meeting w/ Vos office staff

- Any state agency

[JCF may delegate to standing]

Legislative approval (must pass bill) - waiver, renewal, modification, suspension, termination, pilot project

Reports to JCF at all stages

• Application

60 day rpt - include timeline not to exceed 90 days, 3 extensions from JCF (passive review)

Brief on submission approval before submission - exempt from § 19.01

• After submission - negotiation stage

Biweekly calls w/ fed partner

Monthly progress reports - JCF

Quarterly appearances - JCF

Put federal refusals in writing

Proposed final STC - JCF approve or disapprove but not modify

• After any approval

Implementation plan - 60 days from approval

Monthly summaries

Quarterly appearances

Approval of final implementation plan by JCF

Renewal

Notification - 9 mo. before expires

If no change - JCF passive review otherwise full

procedure



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6042/P1

TJD:...

-keelp  
JF

Due  
Today

In: 11/21

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT ...; relating to:** legislative oversight of requests for waivers of federal law  
2 and pilot programs.

*Analysis by the Legislative Reference Bureau*

This bill  
↓  
Generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2014, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to obtain a progress report, submit monthly progress reports to JCF on negotiations with the federal agency including a descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JFC, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.940 of the statutes is created to read:

**20.940 Legislative authorization and oversight of requests to federal government.** (1) DEFINITION. In this section, "state agency" means any office, department, or independent agency in the executive branch of state government, other than the Board of Regents of the University of Wisconsin System.

(2) LEGISLATIVE AUTHORIZATION REQUIRED. A state agency may not submit a request to a federal agency for a waiver or a renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request for a waiver, renewal, modification, <sup>suspension</sup> termination, or authorization.

Suspension?

1           (3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES. If submission to  
2           a federal agency of a request for a waiver or renewal, modification, or termination  
3           of a waiver of federal law or rules or for authorization to implement a pilot program  
4           or demonstration project is required in legislation enacted on or after January 1,  
5           2014, the state agency that is required to submit the request shall do all of the  
6           following that apply:

7           (a) When the request has not been submitted to the applicable federal agency,  
8           do all of the following:

9           1. Beginning 60 days after the enactment of the legislation requiring the  
10          request or March 1, 2019, whichever is later, submit to the joint committee on finance  
11          and, under s. 13.172 (3), an implementation plan describing the state agency's plan  
12          for submitting the request including an expected timeline for submitting the request  
13          in which the submission date is no later than 90 days after submission of the  
14          implementation plan under this subdivision. If the state agency is unable to submit  
15          the request by the date specified in the implementation plan, the state agency may  
16          request from the joint committee on finance an extension not to exceed 90 days in a  
17          written submission that includes a report on the progress toward submission of the  
18          request and the reason an extension is needed. If the cochairpersons of the joint  
19          committee on finance do not notify the state agency within 14 working days after the  
20          date of the request for an extension under this subdivision that the committee has  
21          scheduled a meeting for the purpose of reviewing the extension request, the  
22          extension is considered granted. If, within 14 working days after the date of the  
23          request for an extension under this subdivision, the cochairpersons of the committee  
24          notify the state agency that the committee has scheduled a meeting for the purpose  
25          of reviewing the extension request, the state agency may consider the extension

1 granted only upon approval by the committee. No more than 3 90-day extensions  
2 may be granted under this subdivision.

3 2. When the state agency has finalized its proposed request before submitting  
4 the request to the federal agency, submit the proposed request to the joint committee  
5 on finance for approval by the committee. The state agency may submit the proposed  
6 request to the appropriate federal agency only upon approval by the committee. The  
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but  
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the  
11 request to obtain a progress report on approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal  
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the  
14 joint committee on finance a progress report on negotiations with the federal agency  
15 toward approval of the request. The state agency shall include in its monthly report  
16 under this subdivision a written description of any portion of the request that the  
17 federal agency has stated will not be approved. ^whichever is later^

18 3. Beginning 90 days after the date of submission of the request to the federal  
19 agency, or March 1, 2019, and quarterly thereafter, make available to the joint  
20 committee on finance a representative of the state agency to brief the committee or  
21 provide testimony at a committee hearing at the committee's request. The state  
22 agency shall ensure that at least one representative of the state agency appearing  
23 in person before the committee has sufficient personal knowledge of the negotiations  
24 and progress toward approval of the request to respond to inquiries and requests for  
25 information by the committee.



1           4. Before final approval of the request by the federal agency, submit the  
2       proposed approval as negotiated with the federal agency to the joint committee on  
3       finance for approval or disapproval. The joint committee on finance may approve or  
4       disapprove but may not modify the proposed approval as negotiated with the federal  
5       agency. The state agency may agree to final approval of the request only upon  
6       approval by the joint committee on finance. If the joint committee on finance  
7       disapproves, the state agency shall withdraw the request or renegotiate the request  
8       with the federal agency and resubmit the proposed approval as renegotiated to the  
9       joint committee on finance for approval or disapproval. The procedures under s.  
10      13.10 do not apply to this subdivision.

11           (c) When the request has been approved in whole or in part by the applicable  
12      federal agency but has not been fully implemented by the applicable state agency, do  
13      all of the following:

14           1. Beginning 60 days after the date of approval of any portion of the request by  
15      the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint  
16      committee on finance an implementation plan for the approved portions of the  
17      request including the expected timeline for final implementation of the request in  
18      accordance with the federal agency's approval. When the state agency submits an  
19      implementation plan that it considers its final implementation plan, the state  
20      agency may not implement the approved portions of the request until the joint  
21      committee on finance approves the final implementation plan. The procedures  
22      under s. 13.10 do not apply to this subdivision.

23           2. Beginning 30 days after the date of submission of the implementation plan  
24      and monthly thereafter, submit to the joint committee on finance a progress report  
25      on implementation of the approved portions of the request.

1           3. Beginning 90 days after the date of approval of any portion of the request by  
2           the federal agency, and quarterly thereafter, make available to the joint committee  
3           on finance a representative of the state agency to brief the committee or provide  
4           testimony at a committee hearing at the committee's request. The state agency shall  
5           ensure that at least one representative of the state agency appearing in person before  
6           the committee has sufficient personal knowledge of the negotiations and progress  
7           toward approval of the request to respond to inquiries and requests for information  
8           by the committee.

9           (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an  
10          approved waiver of federal law, pilot program, or demonstration project for which no  
11          legislation has been enacted specifying that the waiver, program, or project must be  
12          suspended or terminated, the state agency shall submit a written notice to the joint  
13          committee on finance of the expiration date and the state agency's intent regarding  
14          renewal. If the state agency intends to request substantive changes to the waiver,  
15          program, or project in its request to the federal agency, the state agency shall comply  
16          with the procedures under sub. (3). If the state agency intends to renew the waiver,  
17          program, or project without substantive changes, notwithstanding sub. (3) and  
18          before submitting the renewal request to the federal agency, the state agency shall  
19          submit a proposed renewal request to the joint committee on finance. If the  
20          cochairpersons of the joint committee on finance do not notify the state agency within  
21          14 working days after the date of the submittal of the proposed renewal request  
22          under this subsection that the committee has scheduled a meeting for the purpose  
23          of reviewing the proposed renewal request, the state agency may submit the  
24          proposed renewal request. If, within 14 working days after the date of the submittal  
25          of the proposed renewal request under this subsection, the cochairpersons of the

1 committee notify the state agency that the committee has scheduled a meeting for  
2 the purpose of reviewing the proposed renewal request, the state agency may submit  
3 the proposed renewal request only upon approval by the committee. After reviewing  
4 the proposed renewal request and determining any changes requested are  
5 substantive, the chairpersons of the joint committee on finance may require the state  
6 agency to comply with any of the procedure under sub. (3). The procedures under s.  
7 13.10 do not apply to this subdivision. subsection

8 (5) DELEGATION TO STANDING COMMITTEE. The chairpersons of the joint  
9 committee on finance may delegate to a standing committee of the legislature of  
10 appropriate subject matter jurisdiction any of the responsibilities of the joint  
11 committee on finance under sub. (3). The chairpersons shall specify the terms of a  
12 delegation under this subsection and shall determine what constitutes an approval  
13 under a delegation under this subsection.

14 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee  
15 on finance determines that the applicable state agency has not made sufficient  
16 progress in submitting the request, negotiating with the federal agency, or  
17 implementing an approved portion of a request or is not acting in accordance with  
18 the enacted legislation requiring the submission of the request, the joint committee  
19 on finance may reduce the state agency's appropriation or expenditure authority,  
20 whichever is applicable, or change the authorized level of full-time equivalent  
21 positions for the state agency related to the program for which the request is required  
22 to be submitted. The procedures under s. 13.10 do not apply to this subdivision. subsection

23 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6042/P1 e P2  
TJD:kjf

In: 11/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT *to create* 20.940 of the statutes; **relating to:** legislative oversight of  
2 requests for waivers of federal law and pilot programs.

---

*Analysis by the Legislative Reference Bureau*

Withdrawal /

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2014, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Continue negotiations  
Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to obtain a progress report, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 20.940 of the statutes is created to read:

2           **20.940 Legislative authorization and oversight of requests to federal**  
3 **government.** (1) DEFINITION. In this section, "state agency" means any office,  
4 department, or independent agency in the executive branch of state government,  
5 other than the Board of Regents of the University of Wisconsin System.

6           (2) LEGISLATIVE AUTHORIZATION REQUIRED. A state agency may not submit a  
7 request to a federal agency for a waiver or a renewal, modification, <sup>withdrawal,</sup> suspension, or  
8 termination of a waiver of federal law or rules or for authorization to implement a  
9 pilot program or demonstration project unless legislation has been enacted  
10 specifically directing the submission of the request for a waiver, renewal,  
11 modification, <sup>withdrawal,</sup> suspension, termination, or authorization.

*withdrawal,*

1           **(3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES.** If submission to  
2           a federal agency of a request for a waiver or renewal, modification, suspension, or  
3           termination of a waiver of federal law or rules or for authorization to implement a  
4           pilot program or demonstration project is required in legislation enacted on or after  
5           January 1, <sup>e 2011</sup>2014, the state agency that is required to submit the request shall do all  
6           of the following that apply:

7           (a) When the request has not been submitted to the applicable federal agency,  
8           do all of the following:

9           1. Beginning 60 days after the enactment of the legislation requiring the  
10          request or March 1, 2019, whichever is later, submit to the joint committee on finance  
11          and, under s. 13.172 (3), an implementation plan describing the state agency's plan  
12          for submitting the request including an expected timeline for submitting the request  
13          in which the submission date is no later than 90 days after submission of the  
14          implementation plan under this subdivision. If the state agency is unable to submit  
15          the request by the date specified in the implementation plan, the state agency may  
16          request from the joint committee on finance an extension not to exceed 90 days in a  
17          written submission that includes a report on the progress toward submission of the  
18          request and the reason an extension is needed. If the cochairpersons of the joint  
19          committee on finance do not notify the state agency within 14 working days after the  
20          date of the request for an extension under this subdivision that the committee has  
21          scheduled a meeting for the purpose of reviewing the extension request, the  
22          extension is considered granted. If, within 14 working days after the date of the  
23          request for an extension under this subdivision, the cochairpersons of the committee  
24          notify the state agency that the committee has scheduled a meeting for the purpose  
25          of reviewing the extension request, the state agency may consider the extension

1 granted only upon approval by the committee. No more than 3 90-day extensions  
2 may be granted under this subdivision.

3 2. When the state agency has finalized its proposed request before submitting  
4 the request to the federal agency, submit the proposed request to the joint committee  
5 on finance for approval by the committee. The state agency may submit the proposed  
6 request to the appropriate federal agency only upon approval by the committee. The  
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but  
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the  
11 request to obtain a progress report on approval of the request. *a continue negotiations in furtherance of*

12 2. Beginning 30 days after the date of submission of the request to the federal  
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the  
14 joint committee on finance a progress report on negotiations with the federal agency  
15 toward approval of the request. The state agency shall include in its monthly report  
16 under this subdivision <sup>any</sup> a written description <sup>from the federal agency regarding</sup> of any portion of the request that the  
17 federal agency has stated will not be approved.

18 3. Beginning 90 days after the date of submission of the request to the federal  
19 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make  
20 available to the joint committee on finance a representative of the state agency to  
21 brief the committee or provide testimony at a committee hearing at the committee's  
22 request. The state agency shall ensure that at least one representative of the state  
23 agency appearing in person before the committee has sufficient personal knowledge  
24 of the negotiations and progress toward approval of the request to respond to  
25 inquiries and requests for information by the committee.

*The state agency shall request from the federal agency a description in writing of any portions of the request that the federal agency has stated will not be approved and reasons for not approving.*

1           4. Before final approval of the request by the federal agency, submit the  
2           proposed approval as negotiated with the federal agency to the joint committee on  
3           finance for approval or disapproval. The joint committee on finance may approve or  
4           disapprove but may not modify the proposed approval as negotiated with the federal  
5           agency. The state agency may agree to final approval of the request only upon  
6           approval by the joint committee on finance. If the joint committee on finance  
7           disapproves, the state agency shall withdraw the request or renegotiate the request  
8           with the federal agency and resubmit the proposed approval as renegotiated to the  
9           joint committee on finance for approval or disapproval. The procedures under s.  
10          13.10 do not apply to this subdivision.

11          (c) When the request has been approved in whole or in part by the applicable  
12          federal agency but has not been fully implemented by the applicable state agency, do  
13          all of the following:

14           1. Beginning 60 days after the date of approval of any portion of the request by  
15           the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint  
16           committee on finance an implementation plan for the approved portions of the  
17           request including the expected timeline for final implementation of the request in  
18           accordance with the federal agency's approval. When the state agency submits an  
19           implementation plan that it considers its final implementation plan, the state  
20           agency may not implement the approved portions of the request until the joint  
21           committee on finance approves the final implementation plan. The procedures  
22           under s. 13.10 do not apply to this subdivision.

23           2. Beginning 30 days after the date of submission of the implementation plan  
24           and monthly thereafter, submit to the joint committee on finance a progress report  
25           on implementation of the approved portions of the request.



1           3. Beginning 90 days after the date of approval of any portion of the request by  
2           the federal agency, and quarterly thereafter, make available to the joint committee  
3           on finance a representative of the state agency to brief the committee or provide  
4           testimony at a committee hearing at the committee's request. The state agency shall  
5           ensure that at least one representative of the state agency appearing in person before  
6           the committee has sufficient personal knowledge of the negotiations and progress  
7           toward <sup>implementation of the</sup> approval of the request to respond to inquiries and requests for information  
8           by the committee.

9           (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an  
10          approved waiver of federal law, pilot program, or demonstration project for which no  
11          legislation has been enacted specifying that the waiver, program, or project must be  
12          suspended or terminated, the state agency shall submit a written notice to the joint  
13          committee on finance of the expiration date and the state agency's intent regarding  
14          renewal. If the state agency intends to request substantive changes to the waiver,  
15          program, or project in its request to the federal agency, the state agency shall comply  
16          with the procedures under sub. (3). If the state agency intends to renew the waiver,  
17          program, or project without substantive changes, notwithstanding sub. (3) and  
18          before submitting the renewal request to the federal agency, the state agency shall  
19          submit a proposed renewal request to the joint committee on finance. If the  
20          cochairpersons of the joint committee on finance do not notify the state agency within  
21          14 working days after the date of the submittal of the proposed renewal request  
22          under this subsection that the committee has scheduled a meeting for the purpose  
23          of reviewing the proposed renewal request, the state agency may submit the  
24          proposed renewal request. If, within 14 working days after the date of the submittal  
25          of the proposed renewal request under this subsection, the cochairpersons of the

1 committee notify the state agency that the committee has scheduled a meeting for  
2 the purpose of reviewing the proposed renewal request, the state agency may submit  
3 the proposed renewal request only upon approval by the committee. After reviewing  
4 the proposed renewal request and determining any changes requested are  
5 substantive, the cochairpersons of the joint committee on finance may require the  
6 state agency to comply with any of the procedures under sub. (3). The procedures  
7 under s. 13.10 do not apply to this subsection.

8 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint  
9 committee on finance may delegate to a standing committee of the legislature of  
10 appropriate subject matter jurisdiction any of the responsibilities of the joint  
11 committee on finance under sub. (3). The cochairpersons shall specify the terms of  
12 a delegation under this subsection and shall determine what constitutes an approval  
13 under a delegation under this subsection.

14 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee  
15 on finance determines that the applicable state agency has not made sufficient  
16 progress in submitting the request, negotiating with the federal agency, or  
17 implementing an approved portion of a request or is not acting in accordance with  
18 the enacted legislation requiring the submission of the request, the joint committee  
19 on finance may reduce the state agency's appropriation or expenditure authority,  
20 whichever is applicable, or change the authorized level of full-time equivalent  
21 positions for the state agency related to the program for which the request is required  
22 to be submitted. The procedures under s. 13.10 do not apply to this subsection.

23 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6042/P2

TJD:kjf

P3

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1     **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of  
2     requests for waivers of federal law and pilot programs.

---

***Analysis by the Legislative Reference Bureau***

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, ~~2014~~<sup>2011</sup>, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.940 of the statutes is created to read:

2           **20.940 Legislative authorization and oversight of requests to federal**  
3 **government. (1) DEFINITION.** In this section, "state agency" means any office,  
4 department, or independent agency in the executive branch of state government,  
5 other than the Board of Regents of the University of Wisconsin System.

6           **(2) LEGISLATIVE AUTHORIZATION REQUIRED.** A state agency may not submit a  
7 request to a federal agency for a waiver or a renewal, modification, withdrawal,  
8 suspension, or termination of a waiver of federal law or rules or for authorization to  
9 implement a pilot program or demonstration project unless legislation has been  
10 enacted specifically directing the submission of the request for a waiver, renewal,  
11 modification, withdrawal, suspension, termination, or authorization.

1           (3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES. If submission to  
2       a federal agency of a request for a waiver or renewal, modification, withdrawal,  
3       suspension, or termination of a waiver of federal law or rules or for authorization to  
4       implement a pilot program or demonstration project is required in legislation  
5       enacted on or after January 1, 2011, the state agency that is required to submit the  
6       request shall do all of the following that apply:

7           (a) When the request has not been submitted to the applicable federal agency,  
8       do all of the following:

9           1. Beginning 60 days after the enactment of the legislation requiring the  
10       request or March 1, 2019, whichever is later, submit to the joint committee on finance  
11       an implementation plan describing the state agency's plan for submitting the  
12       request including an expected timeline for submitting the request in which the  
13       submission date is no later than 90 days after submission of the implementation plan  
14       under this subdivision. If the state agency is unable to submit the request by the date  
15       specified in the implementation plan, the state agency may request from the joint  
16       committee on finance an extension not to exceed 90 days in a written submission that  
17       includes a report on the progress toward submission of the request and the reason  
18       an extension is needed. If the cochairpersons of the joint committee on finance do not  
19       notify the state agency within 14 working days after the date of the request for an  
20       extension under this subdivision that the committee has scheduled a meeting for the  
21       purpose of reviewing the extension request, the extension is considered granted. If,  
22       within 14 working days after the date of the request for an extension under this  
23       subdivision, the cochairpersons of the committee notify the state agency that the  
24       committee has scheduled a meeting for the purpose of reviewing the extension  
25       request, the state agency may consider the extension granted only upon approval by

1 the committee. No more than 3 90-day extensions may be granted under this  
2 subdivision.

3 2. When the state agency has finalized its proposed request before submitting  
4 the request to the federal agency, submit the proposed request to the joint committee  
5 on finance for approval by the committee. The state agency may submit the proposed  
6 request to the appropriate federal agency only upon approval by the committee. The  
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but  
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the  
11 request to continue negotiations in furtherance of approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal  
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the  
14 joint committee on finance a progress report on negotiations with the federal agency  
15 toward approval of the request. The state agency shall request from the federal  
16 agency a description in writing of any portions of the request that the federal agency  
17 has stated will not be approved and reasons for not approving. The state agency shall  
18 include in its monthly report under this subdivision any written description from the  
19 federal agency regarding any portion of the request that the federal agency has  
20 stated will not be approved.

21 3. Beginning 90 days after the date of submission of the request to the federal  
22 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make  
23 available to the joint committee on finance a representative of the state agency to  
24 brief the committee or provide testimony at a committee hearing at the committee's  
25 request. The state agency shall ensure that at least one representative of the state

1 agency appearing in person before the committee has sufficient personal knowledge  
2 of the negotiations and progress toward approval of the request to respond to  
3 inquiries and requests for information by the committee.

4 4. Before final approval of the request by the federal agency, submit the  
5 proposed approval as negotiated with the federal agency to the joint committee on  
6 finance for approval or disapproval. The joint committee on finance may approve or  
7 disapprove but may not modify the proposed approval as negotiated with the federal  
8 agency. The state agency may agree to final approval of the request only upon  
9 approval by the joint committee on finance. If the joint committee on finance  
10 disapproves, the state agency shall withdraw the request or renegotiate the request  
11 with the federal agency and resubmit the proposed approval as renegotiated to the  
12 joint committee on finance for approval or disapproval. The procedures under s.  
13 13.10 do not apply to this subdivision.

14 (c) When the request has been approved in whole or in part by the applicable  
15 federal agency but has not been fully implemented by the applicable state agency, do  
16 all of the following:

17 1. Beginning 60 days after the date of approval of any portion of the request by  
18 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint  
19 committee on finance an implementation plan for the approved portions of the  
20 request including the expected timeline for final implementation of the request in  
21 accordance with the federal agency's approval. When the state agency submits an  
22 implementation plan that it considers its final implementation plan, the state  
23 agency may not implement the approved portions of the request until the joint  
24 committee on finance approves the final implementation plan. The procedures  
25 under s. 13.10 do not apply to this subdivision.

1           2. Beginning 30 days after the date of submission of the implementation plan  
2 and monthly thereafter, submit to the joint committee on finance a progress report  
3 on implementation of the approved portions of the request.

4           3. Beginning 90 days after the date of approval of any portion of the request by  
5 the federal agency, and quarterly thereafter, make available to the joint committee  
6 on finance a representative of the state agency to brief the committee or provide  
7 testimony at a committee hearing at the committee's request. The state agency shall  
8 ensure that at least one representative of the state agency appearing in person before  
9 the committee has sufficient personal knowledge of the negotiations and progress  
10 toward implementation of the approval of the request to respond to inquiries and  
11 requests for information by the committee.

12           (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an  
13 approved waiver of federal law, pilot program, or demonstration project for which no  
14 legislation has been enacted specifying that the waiver, program, or project must be  
15 suspended or terminated, the state agency shall submit a written notice to the joint  
16 committee on finance of the expiration date and the state agency's intent regarding  
17 renewal. If the state agency intends to request substantive changes to the waiver,  
18 program, or project in its request to the federal agency, the state agency shall comply  
19 with the procedures under sub. (3). If the state agency intends to renew the waiver,  
20 program, or project without substantive changes, notwithstanding sub. (3) and  
21 before submitting the renewal request to the federal agency, the state agency shall  
22 submit a proposed renewal request to the joint committee on finance. If the  
23 cochairpersons of the joint committee on finance do not notify the state agency within  
24 14 working days after the date of the submittal of the proposed renewal request  
25 under this subsection that the committee has scheduled a meeting for the purpose



1 of reviewing the proposed renewal request, the state agency may submit the  
2 proposed renewal request. If, within 14 working days after the date of the submittal  
3 of the proposed renewal request under this subsection, the cochairpersons of the  
4 committee notify the state agency that the committee has scheduled a meeting for  
5 the purpose of reviewing the proposed renewal request, the state agency may submit  
6 the proposed renewal request only upon approval by the committee. After reviewing  
7 the proposed renewal request and determining any changes requested are  
8 substantive, the cochairpersons of the joint committee on finance may require the  
9 state agency to comply with any of the procedures under sub. (3). The procedures  
10 under s. 13.10 do not apply to this subsection.

11 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint  
12 committee on finance may delegate to a standing committee of the legislature of  
13 appropriate subject matter jurisdiction any of the responsibilities of the joint  
14 committee on finance under sub. (3). The cochairpersons shall specify the terms of  
15 a delegation under this subsection and shall determine what constitutes an approval  
16 under a delegation under this subsection.

17 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee  
18 on finance determines that the applicable state agency has not made sufficient  
19 progress in submitting the request, negotiating with the federal agency, or  
20 implementing an approved portion of a request or is not acting in accordance with  
21 the enacted legislation requiring the submission of the request, the joint committee  
22 on finance may reduce the state agency's appropriation or expenditure authority,  
23 whichever is applicable, or change the authorized level of full-time equivalent

1 positions for the state agency related to the program for which the request is required  
2 to be submitted. The procedures under s. 13.10 do not apply to this subsection.

3 (END)



11/30

Tk Abbey - Rep Vos's office  
26.940 (6)

specify that JFC may reduce only  
state operations and administrative  
moneys - not benefit amounts



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6042/P3  
TJD:kjf

P4

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of  
2     requests for waivers of federal law and pilot programs.

---

***Analysis by the Legislative Reference Bureau***

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2011, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

*from moneys allocated for state operations or administrative functions*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 20.940 of the statutes is created to read:

2           **20.940 Legislative authorization and oversight of requests to federal**  
3 **government. (1) DEFINITION.** In this section, "state agency" means any office,  
4 department, or independent agency in the executive branch of state government,  
5 other than the Board of Regents of the University of Wisconsin System.

6           **(2) LEGISLATIVE AUTHORIZATION REQUIRED.** A state agency may not submit a  
7 request to a federal agency for a waiver or a renewal, modification, withdrawal,  
8 suspension, or termination of a waiver of federal law or rules or for authorization to  
9 implement a pilot program or demonstration project unless legislation has been  
10 enacted specifically directing the submission of the request for a waiver, renewal,  
11 modification, withdrawal, suspension, termination, or authorization.

1           (3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES. If submission to  
2           a federal agency of a request for a waiver or renewal, modification, withdrawal,  
3           suspension, or termination of a waiver of federal law or rules or for authorization to  
4           implement a pilot program or demonstration project is required in legislation  
5           enacted on or after January 1, 2011, the state agency that is required to submit the  
6           request shall do all of the following that apply:

7           (a) When the request has not been submitted to the applicable federal agency,  
8           do all of the following:

9           1. Beginning 60 days after the enactment of the legislation requiring the  
10          request or March 1, 2019, whichever is later, submit to the joint committee on finance  
11          an implementation plan describing the state agency's plan for submitting the  
12          request including an expected timeline for submitting the request in which the  
13          submission date is no later than 90 days after submission of the implementation plan  
14          under this subdivision. If the state agency is unable to submit the request by the date  
15          specified in the implementation plan, the state agency may request from the joint  
16          committee on finance an extension not to exceed 90 days in a written submission that  
17          includes a report on the progress toward submission of the request and the reason  
18          an extension is needed. If the cochairpersons of the joint committee on finance do not  
19          notify the state agency within 14 working days after the date of the request for an  
20          extension under this subdivision that the committee has scheduled a meeting for the  
21          purpose of reviewing the extension request, the extension is considered granted. If,  
22          within 14 working days after the date of the request for an extension under this  
23          subdivision, the cochairpersons of the committee notify the state agency that the  
24          committee has scheduled a meeting for the purpose of reviewing the extension  
25          request, the state agency may consider the extension granted only upon approval by

1 the committee. No more than 3 90-day extensions may be granted under this  
2 subdivision.

3 2. When the state agency has finalized its proposed request before submitting  
4 the request to the federal agency, submit the proposed request to the joint committee  
5 on finance for approval by the committee. The state agency may submit the proposed  
6 request to the appropriate federal agency only upon approval by the committee. The  
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but  
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the  
11 request to continue negotiations in furtherance of approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal  
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the  
14 joint committee on finance a progress report on negotiations with the federal agency  
15 toward approval of the request. The state agency shall request from the federal  
16 agency a description in writing of any portions of the request that the federal agency  
17 has stated will not be approved and reasons for not approving. The state agency shall  
18 include in its monthly report under this subdivision any written description from the  
19 federal agency regarding any portion of the request that the federal agency has  
20 stated will not be approved.

21 3. Beginning 90 days after the date of submission of the request to the federal  
22 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make  
23 available to the joint committee on finance a representative of the state agency to  
24 brief the committee or provide testimony at a committee hearing at the committee's  
25 request. The state agency shall ensure that at least one representative of the state

1 agency appearing in person before the committee has sufficient personal knowledge  
2 of the negotiations and progress toward approval of the request to respond to  
3 inquiries and requests for information by the committee.

4 4. Before final approval of the request by the federal agency, submit the  
5 proposed approval as negotiated with the federal agency to the joint committee on  
6 finance for approval or disapproval. The joint committee on finance may approve or  
7 disapprove but may not modify the proposed approval as negotiated with the federal  
8 agency. The state agency may agree to final approval of the request only upon  
9 approval by the joint committee on finance. If the joint committee on finance  
10 disapproves, the state agency shall withdraw the request or renegotiate the request  
11 with the federal agency and resubmit the proposed approval as renegotiated to the  
12 joint committee on finance for approval or disapproval. The procedures under s.  
13 13.10 do not apply to this subdivision.

14 (c) When the request has been approved in whole or in part by the applicable  
15 federal agency but has not been fully implemented by the applicable state agency, do  
16 all of the following:

17 1. Beginning 60 days after the date of approval of any portion of the request by  
18 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint  
19 committee on finance an implementation plan for the approved portions of the  
20 request including the expected timeline for final implementation of the request in  
21 accordance with the federal agency's approval. When the state agency submits an  
22 implementation plan that it considers its final implementation plan, the state  
23 agency may not implement the approved portions of the request until the joint  
24 committee on finance approves the final implementation plan. The procedures  
25 under s. 13.10 do not apply to this subdivision.



1           2. Beginning 30 days after the date of submission of the implementation plan  
2           and monthly thereafter, submit to the joint committee on finance a progress report  
3           on implementation of the approved portions of the request.

4           3. Beginning 90 days after the date of approval of any portion of the request by  
5           the federal agency, or March 1, 2019, whichever is later, and quarterly thereafter,  
6           make available to the joint committee on finance a representative of the state agency  
7           to brief the committee or provide testimony at a committee hearing at the  
8           committee's request. The state agency shall ensure that at least one representative  
9           of the state agency appearing in person before the committee has sufficient personal  
10          knowledge of the negotiations and progress toward implementation of the approval  
11          of the request to respond to inquiries and requests for information by the committee.

12          (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an  
13          approved waiver of federal law, pilot program, or demonstration project for which no  
14          legislation has been enacted specifying that the waiver, program, or project must be  
15          suspended or terminated, the state agency shall submit a written notice to the joint  
16          committee on finance of the expiration date and the state agency's intent regarding  
17          renewal. If the state agency intends to request substantive changes to the waiver,  
18          program, or project in its request to the federal agency, the state agency shall comply  
19          with the procedures under sub. (3). If the state agency intends to renew the waiver,  
20          program, or project without substantive changes, notwithstanding sub. (3) and  
21          before submitting the renewal request to the federal agency, the state agency shall  
22          submit a proposed renewal request to the joint committee on finance. If the  
23          cochairpersons of the joint committee on finance do not notify the state agency within  
24          14 working days after the date of the submittal of the proposed renewal request  
25          under this subsection that the committee has scheduled a meeting for the purpose

1 of reviewing the proposed renewal request, the state agency may submit the  
2 proposed renewal request. If, within 14 working days after the date of the submittal  
3 of the proposed renewal request under this subsection, the cochairpersons of the  
4 committee notify the state agency that the committee has scheduled a meeting for  
5 the purpose of reviewing the proposed renewal request, the state agency may submit  
6 the proposed renewal request only upon approval by the committee. After reviewing  
7 the proposed renewal request and determining any changes requested are  
8 substantive, the cochairpersons of the joint committee on finance may require the  
9 state agency to comply with any of the procedures under sub. (3). The procedures  
10 under s. 13.10 do not apply to this subsection.

11 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint  
12 committee on finance may delegate to a standing committee of the legislature of  
13 appropriate subject matter jurisdiction any of the responsibilities of the joint  
14 committee on finance under sub. (3). The cochairpersons shall specify the terms of  
15 a delegation under this subsection and shall determine what constitutes an approval  
16 under a delegation under this subsection.

17 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee  
18 on finance determines that the applicable state agency has not made sufficient  
19 progress in submitting the request, negotiating with the federal agency, or  
20 implementing an approved portion of a request or is not acting in accordance with

21 the enacted legislation requiring the submission of the request, the joint committee  
22 on finance may reduce <sup>from money allocated for state operations or administrative functions</sup> the state agency's appropriation or expenditure authority,  
23 whichever is applicable, or change the authorized level of full-time equivalent

1 positions for the state agency related to the program for which the request is required  
2 to be submitted. The procedures under s. 13.10 do not apply to this subsection.

3 (END)

---



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6042/P4  
TJD:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of  
2 requests for waivers of federal law and pilot programs.

---

***Analysis by the Legislative Reference Bureau***

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2011, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 20.940 of the statutes is created to read:

2        **20.940 Legislative authorization and oversight of requests to federal**  
3 **government. (1) DEFINITION.** In this section, "state agency" means any office,  
4 department, or independent agency in the executive branch of state government,  
5 other than the Board of Regents of the University of Wisconsin System.

6        **(2) LEGISLATIVE AUTHORIZATION REQUIRED.** A state agency may not submit a  
7 request to a federal agency for a waiver or a renewal, modification, withdrawal,  
8 suspension, or termination of a waiver of federal law or rules or for authorization to  
9 implement a pilot program or demonstration project unless legislation has been  
10 enacted specifically directing the submission of the request for a waiver, renewal,  
11 modification, withdrawal, suspension, termination, or authorization.

1           **(3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES.** If submission to  
2 a federal agency of a request for a waiver or renewal, modification, withdrawal,  
3 suspension, or termination of a waiver of federal law or rules or for authorization to  
4 implement a pilot program or demonstration project is required in legislation  
5 enacted on or after January 1, 2011, the state agency that is required to submit the  
6 request shall do all of the following that apply:

7           (a) When the request has not been submitted to the applicable federal agency,  
8 do all of the following:

9           1. Beginning 60 days after the enactment of the legislation requiring the  
10 request or March 1, 2019, whichever is later, submit to the joint committee on finance  
11 an implementation plan describing the state agency's plan for submitting the  
12 request including an expected timeline for submitting the request in which the  
13 submission date is no later than 90 days after submission of the implementation plan  
14 under this subdivision. If the state agency is unable to submit the request by the date  
15 specified in the implementation plan, the state agency may request from the joint  
16 committee on finance an extension not to exceed 90 days in a written submission that  
17 includes a report on the progress toward submission of the request and the reason  
18 an extension is needed. If the cochairpersons of the joint committee on finance do not  
19 notify the state agency within 14 working days after the date of the request for an  
20 extension under this subdivision that the committee has scheduled a meeting for the  
21 purpose of reviewing the extension request, the extension is considered granted. If,  
22 within 14 working days after the date of the request for an extension under this  
23 subdivision, the cochairpersons of the committee notify the state agency that the  
24 committee has scheduled a meeting for the purpose of reviewing the extension  
25 request, the state agency may consider the extension granted only upon approval by

1 the committee. No more than 3 90-day extensions may be granted under this  
2 subdivision.

3 2. When the state agency has finalized its proposed request before submitting  
4 the request to the federal agency, submit the proposed request to the joint committee  
5 on finance for approval by the committee. The state agency may submit the proposed  
6 request to the appropriate federal agency only upon approval by the committee. The  
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but  
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the  
11 request to continue negotiations in furtherance of approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal  
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the  
14 joint committee on finance a progress report on negotiations with the federal agency  
15 toward approval of the request. The state agency shall request from the federal  
16 agency a description in writing of any portions of the request that the federal agency  
17 has stated will not be approved and reasons for not approving. The state agency shall  
18 include in its monthly report under this subdivision any written description from the  
19 federal agency regarding any portion of the request that the federal agency has  
20 stated will not be approved.

21 3. Beginning 90 days after the date of submission of the request to the federal  
22 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make  
23 available to the joint committee on finance a representative of the state agency to  
24 brief the committee or provide testimony at a committee hearing at the committee's  
25 request. The state agency shall ensure that at least one representative of the state

1 agency appearing in person before the committee has sufficient personal knowledge  
2 of the negotiations and progress toward approval of the request to respond to  
3 inquiries and requests for information by the committee.

4 4. Before final approval of the request by the federal agency, submit the  
5 proposed approval as negotiated with the federal agency to the joint committee on  
6 finance for approval or disapproval. The joint committee on finance may approve or  
7 disapprove but may not modify the proposed approval as negotiated with the federal  
8 agency. The state agency may agree to final approval of the request only upon  
9 approval by the joint committee on finance. If the joint committee on finance  
10 disapproves, the state agency shall withdraw the request or renegotiate the request  
11 with the federal agency and resubmit the proposed approval as renegotiated to the  
12 joint committee on finance for approval or disapproval. The procedures under s.  
13 13.10 do not apply to this subdivision.

14 (c) When the request has been approved in whole or in part by the applicable  
15 federal agency but has not been fully implemented by the applicable state agency, do  
16 all of the following:

17 1. Beginning 60 days after the date of approval of any portion of the request by  
18 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint  
19 committee on finance an implementation plan for the approved portions of the  
20 request including the expected timeline for final implementation of the request in  
21 accordance with the federal agency's approval. When the state agency submits an  
22 implementation plan that it considers its final implementation plan, the state  
23 agency may not implement the approved portions of the request until the joint  
24 committee on finance approves the final implementation plan. The procedures  
25 under s. 13.10 do not apply to this subdivision.



1           2. Beginning 30 days after the date of submission of the implementation plan  
2           and monthly thereafter, submit to the joint committee on finance a progress report  
3           on implementation of the approved portions of the request.

4           3. Beginning 90 days after the date of approval of any portion of the request by  
5           the federal agency, or March 1, 2019, whichever is later, and quarterly thereafter,  
6           make available to the joint committee on finance a representative of the state agency  
7           to brief the committee or provide testimony at a committee hearing at the  
8           committee's request. The state agency shall ensure that at least one representative  
9           of the state agency appearing in person before the committee has sufficient personal  
10          knowledge of the negotiations and progress toward implementation of the approval  
11          of the request to respond to inquiries and requests for information by the committee.

12          (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an  
13          approved waiver of federal law, pilot program, or demonstration project for which no  
14          legislation has been enacted specifying that the waiver, program, or project must be  
15          suspended or terminated, the state agency shall submit a written notice to the joint  
16          committee on finance of the expiration date and the state agency's intent regarding  
17          renewal. If the state agency intends to request substantive changes to the waiver,  
18          program, or project in its request to the federal agency, the state agency shall comply  
19          with the procedures under sub. (3). If the state agency intends to renew the waiver,  
20          program, or project without substantive changes, notwithstanding sub. (3) and  
21          before submitting the renewal request to the federal agency, the state agency shall  
22          submit a proposed renewal request to the joint committee on finance. If the  
23          cochairpersons of the joint committee on finance do not notify the state agency within  
24          14 working days after the date of the submittal of the proposed renewal request  
25          under this subsection that the committee has scheduled a meeting for the purpose

1 of reviewing the proposed renewal request, the state agency may submit the  
2 proposed renewal request. If, within 14 working days after the date of the submittal  
3 of the proposed renewal request under this subsection, the cochairpersons of the  
4 committee notify the state agency that the committee has scheduled a meeting for  
5 the purpose of reviewing the proposed renewal request, the state agency may submit  
6 the proposed renewal request only upon approval by the committee. After reviewing  
7 the proposed renewal request and determining any changes requested are  
8 substantive, the cochairpersons of the joint committee on finance may require the  
9 state agency to comply with any of the procedures under sub. (3). The procedures  
10 under s. 13.10 do not apply to this subsection.

11 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint  
12 committee on finance may delegate to a standing committee of the legislature of  
13 appropriate subject matter jurisdiction any of the responsibilities of the joint  
14 committee on finance under sub. (3). The cochairpersons shall specify the terms of  
15 a delegation under this subsection and shall determine what constitutes an approval  
16 under a delegation under this subsection.

17 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee  
18 on finance determines that the applicable state agency has not made sufficient  
19 progress in submitting the request, negotiating with the federal agency, or  
20 implementing an approved portion of a request or is not acting in accordance with  
21 the enacted legislation requiring the submission of the request, the joint committee  
22 on finance may reduce from moneys allocated for state operations or administrative  
23 functions the state agency's appropriation or expenditure authority, whichever is  
24 applicable, or change the authorized level of full-time equivalent positions for the

1 state agency related to the program for which the request is required to be submitted.

2 The procedures under s. 13.10 do not apply to this subsection.

3 (END)

---